

**CITY OF EUREKA
CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

Marian Brady 1st Ward
Linda Atkins 2nd Ward
Mike Newman 3rd Ward
Melinda Ciarabellini 4th Ward
Lance Madsen 5th Ward



Frank Jäger, Mayor

**REGULAR MEETING
TUESDAY, MARCH 1, 2011
CLOSED SESSION 5:00 P.M.
REGULAR SESSION 6:00 P.M.
COUNCIL CHAMBER
531 K STREET
EUREKA, CA 95501**

David Tyson, City Manager
Pam Powell, City Clerk
William Bragg, Interim City Attorney

CLOSED SESSION

If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.

A. PUBLIC COMMENT PERIOD

(Limited to 3 minutes each speaker on closed session agenda items only)

B. Conference with labor negotiators

Agency designated representatives: Gary Bird for City of Eureka
Employee organization: Eureka Firefighters' Local #652 (EFL) and Eureka Fire Officers Local (EFOL).

Pursuant to California Government Code Section 54957.6

C. Conference with real property negotiators - Property: APN 001-054-45 and 001-054-13

Agency negotiator: David W. Tyson for the City of Eureka
Negotiating Parties: Eureka Waterfront Partners
Under negotiation: price, terms, and conditions
Pursuant to California Government Code Section 54956.8

D. Conference with labor negotiators

Agency designated representatives: David Tyson for City of Eureka
Employee organization: Unrepresented management, mid-management, and confidential employees.

Pursuant to California Government Code Section 54957.6

E. Conference with real property negotiators

Property: Coastal Dependent Industrial property located on the water side of Waterfront Drive, westerly of the Eureka Small Boat Basin; upland portion of APN 003-062-021.

Agency negotiator: David Tyson for the Eureka Redevelopment Agency
Negotiating parties: David Schneider
Under negotiation: price, terms, and conditions.
Pursuant to California Government Code Section 54956.8

REGULAR SESSION – 6:00 P.M.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR'S ANNOUNCEMENTS

Presentation of Proclamations: Arbor Day
Eureka Heritage Society Preservation Award

COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

Councilmember Ciarabellini: Grant Elementary Walkability Assessment
Councilmember Atkins: Professional Service Contracts

PUBLIC COMMENT PERIOD

This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.

Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

1. Is there any person in the audience who wishes to address the Council at this time?

CONSENT CALENDAR

Notice to the Public: *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.*

2. Council meeting minutes.
Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of January 18, 2011 and special Council/Redevelopment Agency Board meeting minutes of January 7, 2011 as submitted.
(City Clerk)
3. Samoa Peninsula Fire District Agreement
Recommendation: Authorize the City Manager to enter in an agreement with Samoa Peninsula Fire District, Humboldt Fire District #1, and Arcata Fire Protection District to provide emergency response to the Samoa Peninsula Fire District.
(Fire Chief)
4. Correspondence Policy
Recommendation: Adopt Policy No. 1.12 "Council Correspondence Policy" as a policy of the City Council.
(City Clerk)
5. Redevelopment Agency – Joint Resolution Amending the Agreement for the Construction of Public Improvements
Recommendation: Adopt the Joint Resolution of the City Council and Redevelopment Agency approving the thirty-fourth amendment for the Construction of Public Improvements within the Century III Phase I, Century III Phase II, and the Eureka Tomorrow Redevelopment Projects.
(Redevelopment Director)
6. Bid Protest Procedure Policy
Recommendation: Adopt Policy No. 6.20 "Bid Protest Procedure" as a policy of the City Council.
(Assistant City Manager)

ORDINANCES/RESOLUTIONS

7. Redevelopment Agency – Joint Resolution in Opposition to the Administration's Proposal to Abolish Redevelopment Agencies in California
Recommendation: Adopt a Joint Resolution of the City Council and the Redevelopment Agency opposing the Administration's Proposal to Abolish Redevelopment Agencies in California.
(Redevelopment Director)
8. Redevelopment Agency – Joint Resolution in Opposition to the Administration's Proposal to Abolish Enterprise Zones in California

Recommendation: Adopt a Joint Resolution of the City Council and Redevelopment agency opposing the Administration's Proposal to Abolish Enterprise Zones in California.
(Redevelopment Director)

9. Transient Occupancy Tax Lien

Recommendation: Adopt, waive reading, and read by title only bill No. 834-C.S. an Ordinance of the City of Eureka Amending Chapter 35 of the Eureka Municipal Code to authorize the use of Lien Procedures for the Collection of Delinquent Transient Occupancy Taxes.
(City Manager)

REPORTS/ACTION ITEMS

10. Swim Possible

Recommendation: Receive a report from "Swim Possible" regarding their interest in the Redevelopment Agency owned Carson Mill property. (No Action Required)
(City Manager)

11. Medical Cannabis Selection Committee Recommendations

Recommendation: 1. Invite Compassionate Care of Eureka to submit an application for a Conditional Use Permit to establish a medical cannabis cultivation, production and distribution facility in city limits; and
2. Invite Humboldt Bay Wellness to submit an application for a Conditional Use Permit to establish a medical cannabis distribution only facility in city limits; and
3. Invite Natural Green Health Center to submit an application for a Conditional Use Permit to establish a medical cannabis cultivation, production and distribution facility in city limits.
(City Manager)

12. Ridgewood Village Project

Recommendation: Authorize the Mayor to sign a letter to the Humboldt County Board of Supervisors regarding the City Council's concerns related to the Ridgewood Village project and draft Environmental Impact Report.
(Councilmember Madsen)

13. County General Plan

Recommendation: Authorize the Mayor to sign a letter to the Humboldt County Board of Supervisors expressing the City's concern about the County's General Plan Update process and requesting the Update be placed on hold to allow for the creation of Citizen Advisory Committees, which will assist in making the update process more inclusive.
(Councilmember Madsen)

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

Eureka Fire Department Monthly Report

ADJOURNMENT

If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.

NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at www.ci.eureka.ca.gov.
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
 1. We may disagree, but we will be respectful of one another.
 2. All comments will be directed to the issue at hand.
 3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at www.accesshumboldt.net – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail ppowell@ci.eureka.ca.gov or contact the City Clerk's office at (707) 441-4175.

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

January 7, 2011

The City Council/Redevelopment Agency of the City of Eureka met in SPECIAL Session on the above date, 2:00 P.M. Open Session, at Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR PRO TEM MADSEN

PRESENT: BRADY, ATKINS, NEWMAN, CIARABELLINI

ABSENT: JÄGER

MINUTES PREPARED BY:



Pamela J. Powell
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:

Frank F. Jäger
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 7, 2011

SUBJECT: Public Comment Period

ACTION:

No one from the public addressed the Council.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on February 3,

2011.

A handwritten signature in black ink, appearing to read 'Pamela J. Powell', is written over a horizontal line.

PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item N/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 7, 2011

SUBJECT: Public Works Operations Overview


ACTION:

Council received information from Public Works Director Bruce Young and Staff regarding operations. Council visited the Public Works Corporation Yard at 945 West 14th Street and toured the Eureka Waste Water Treatment Facility at 4301 Hilfiker Lane.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 7, 2011.

SUBJECT: ADJOURNMENT

ACTION:

Without objection, the meeting was adjourned at 5:00 P.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, Interim City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on February
3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

January 18, 2011

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:00 P.M. Closed Session, 6:00 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR JÄGER

PRESENT: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN

ABSENT: NONE

MINUTES PREPARED BY:



PAMELA J. POWELL
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:


FRANK JÄGER
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Public comment prior to closed session

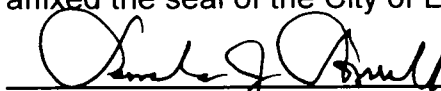
ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

Conference with legal counsel – existing litigation
City v. Floyd Squires (Humboldt Co. Superior Court No. CV090191)

Conference with legal counsel – existing litigation
City v. Floyd Squires (Humboldt Co. Superior Court No. CV 1000894)

Conference with legal counsel – anticipated litigation (3 cases)

Public Employment – City Manager

Conference with labor negotiators – Agency designated representatives: Gary Bird for City of Eureka; Employee organization Local (EFOL).

Upon reconvening to Open Session, it was announced that there were no final actions to report.


Agenda Item Closed Session

MINUTE ORDER, January 18, 2011
ITEM: Closed Session
PAGE: 2

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Mayor's announcements

ACTION:

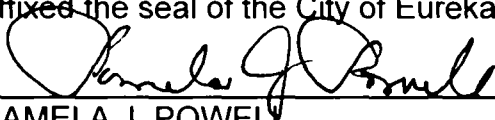
Mayor Jäger presented a proclamation for Season for Non-Violence

Mayor Jäger invited Bob Burchitt to the podium to address the Council regarding Warrior Wish Foundation.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Council reports / City-related travel report

ACTION:

Councilmember Brady asked the Council if they would be interested in developing an E-Mail protocol. By consensus, Council directed Staff to return with a policy for discussion.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Public Hearing – Shamus T Bones Restaurant

ACTION:

Community Development Director, Sidnie Olson provided a report.

The public hearing was opened at 6:24 P.M. The following individuals addressed the council regarding this subject matter:

Richard Tolleson, Eureka

The public hearing was closed at 6:25 P.M.

Council adopted the Findings of Fact as listed below:

The decision of the City Council to approve the Coastal Development Permit was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; and, the evidence submitted with the permit application. The findings of fact listed below “bridge the analytical gap” between the raw evidence in the record and the City Council’s decision.

1. Restaurants are a conditionally permitted use in the CS zone district, and the property is located in the coastal zone, therefore, construction of the restaurant requires a conditional use permit and a Coastal Development Permit.
2. The Planning Commission held a public hearing on January 10, 2011, to consider the Conditional Use Permit for the construction of the new Shamus T Bones Restaurant. After receiving public testimony the Planning Commission took action to approve the Conditional Use Permit.
3. The subject property is located in an area where the City has primary coastal permit authority and the action of the City Council is appealable to the California Coastal Commission.
4. The project site has a Local Coastal Program Land Use Plan designation of General Service Commercial (GSC) and restaurants are principal uses of the GSC plan designation as identified in Appendix B, Table B-1 of the Local Coastal Program.

MINUTE ORDER, January 18, 2011

ITEM: 1 Public Hearing

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5. The proposed restaurant will have absolutely no impact on the continued operation the one existing coastal dependent industrial use in the vicinity (i.e., Chevron Bulk Fuel facility). There are no other coastal dependent industrial uses in the vicinity and no known impacts of the proposed Restaurant on the potential to develop coastal dependent industrial uses on lands zoned appropriately for such uses.

6. The subject property has no habitat for threatened or endangered species and contains no Environmentally Sensitive Habitat Areas (ESHA), and there are no such resources in the vicinity of the project.

7. The project site has no frontage on Humboldt Bay and, therefore, there is no shoreline access across or along the property.

8. A referral for this project was sent to Caltrans and to the City's Engineering Department, Traffic Division for their comments on anticipated traffic and/or circulation issues. Both Caltrans and the City determined that the prior traffic study prepared in 2005 did include the proposed restaurant and that the conclusion of that traffic study that no adverse impacts would result is still valid. No additional traffic studies or reports were required.

9. With regard to the concern that cultural and archaeological resources, which are known to be present in the area, would be impacted – the Applicant hired Roscoe & Associates to conduct an archaeological survey of the property. The survey was completed and a report generated by Roscoe & Associates dated November 20, 2010, concludes that the project will not impact any archaeological resources. The recommendations of the Survey are included as conditions of project development.

10. The application was sent to agencies with interest or jurisdiction over the project, including City Departments, utility providers, Caltrans, Coastal Commission, North Coast Unified Air Quality Management District, Regional Water Quality Control Board, and local Tribes. No Agency or City Department identified any issues or impacts that would result as a result of construction of the Shamus T Bones Restaurant.

11. The Local Coastal Program, Implementation Plan (Coastal Zoning Regulations) specifies the development standards for yards, building height, size, and bulk, off-street parking and loading, landscaping, etc. The Community Development Department reviewed the proposed project for compliance with the development standards and determined that the project does comply with all standards.

The decision to approve or conditionally approve the Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA). However, the project qualifies for a Class 3 exemption

MINUTE ORDER, January 18, 2011

ITEM: 1 Public Hearing

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from CEQA which exempts the new construction of small structures. In urbanized areas this includes the construction of commercial buildings not exceeding 10,000 square feet – the proposed restaurant is less than 8,000 square feet; and

Approved the Coastal Development Permit subject to the Conditions of Development listed as follows:

The development approved under the Coastal Development is conditioned upon the following:

A. The applicant shall post a sign at the exit of the parking lot stating that there is no left turn on Broadway from Truesdale.

1. Inadvertent Discovery of Cultural Resources

If cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)), Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Prehistoric materials which could be encountered include: obsidian and chert flakes or chipped stone tools, grinding implements, (e.g. , pestles, handstones, mortars, slabs), bedrock outcrops and boulders with mortar cups, locally darkened midden, deposits of shell, dietary bone, and human burials. Historic materials which could be encountered include: ceramics/pottery, glass, metal, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, railroad rails and ties, trestles, etc.

2. Inadvertent Discovery of Human Remains

If human remains are discovered during project construction, work will stop at the discovery location. Provisions of the Public Resource Code Sections 7050.5, 5097, 5097.98 will be followed.

3. State Public Resources Code

If human remains are discovered during project construction, work will stop at the discovery location within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume

MINUTE ORDER, January 18, 2011

ITEM: 1 Public Hearing

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until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant fails to make a recommendation.

The following text details procedures for treatment of an inadvertent discovery of Human Remains:

1. Immediately following discovery of known or potential human remains all ground-disturbing activities at the point of discovery shall be halted,
2. No material remains shall be removed from the discovery site, a reasonable exclusion zone shall be cordoned off,
3. John Frame, property owner shall be notified and Mr. Frame shall contact the county coroner.
4. It is highly recommended that Mr. Frame retain the services of a professional archaeologist to immediately examine the find and assist the process.
5. All ground-disturbing construction activities in the discovery site exclusion area shall be suspended.
6. The discovery site shall be secured to protect the remains from desecration or disturbance, with 24- hour surveillance, if prudent.
7. Discovery of Native American remains is a very sensitive issue, and all project personnel shall hold any information about such a discovery in confidence and divulge it only on a need-to-know basis.
8. The Coroner has two working days to examine the remains after being notified. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Council (NARC) in Sacramento (telephone (916) 653-4082).
9. The NARC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) of the deceased Native American.
10. Within 24 hours of their notification by the NARC, the MLD shall be granted permission by the landowner's authorized representative to inspect the discovery site, if they so choose.
11. Within 24 hours of their notification by the NARC, the MLD shall recommend to the landowner means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The Recommendation may include the

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ITEM: 1 Public Hearing
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scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials.

12. Whenever the NARC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his/her authorized representative rejects the recommendation of the MLD and mediation between the parties by the NARC fails to provide measures acceptable to the landowner, the landowner or his/her authorized representatives shall re-enter the human remains and associated grave offerings with appropriate dignity on the property in a location not subject to further subsurface disturbance.

13. Following final treatment measures, Mr. Frame shall ensure that a report is prepared that describes the circumstances, nature and location of the discovery, its treatment, including results of analysis (if permitted), and final disposition, including a confidential map showing the reburial location. Appended to the report shall be a formal record about the discovery site prepared to current California standards on DPR 523 form(s). Mr. Frame shall ensure that report copies are distributed to the NCIC, NARC and MLD.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Atkins, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, JÄGER, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.


PAMELA J. POWELL
CITY CLERK

COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Public Hearing – Schneider Cargo Storage Area Coastal Development Permit

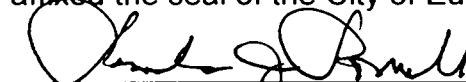
ACTION:

Council continued the public hearing until February 1, 2011.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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PAMELA J. POWELL
CITY CLERK

Originating Dept. Community Development

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Sue Brandenburg, Eureka continues to experience problems with transients at her west side apartment building.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of November 16, 2010 and special Council/Redevelopment Agency Board meeting minutes of November 24, 2010 as submitted.

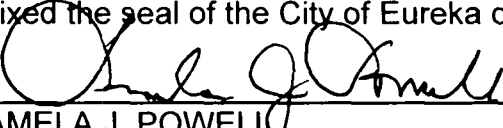
Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Clerk

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Purchase of (5) M6 Mobile Data Computer Systems

ACTION:

Police Chief Garr Nielsen provided a report. No one from the public addressed the Council regarding this matter.

Council accepted the quote from Hub-Data 911 in the amount of \$29,566 and approved the appropriation of Drug Asset Funds to purchase (5) M6 Mobile Data Computer Systems.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Police

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Destruction of Records

ACTION:

Council adopted a Resolution No 2011-04 of the City Council for the Destruction of Certain Records pursuant to City policy.


Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Police

Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Request for Exception to the Hiring Freeze

ACTION:

Council approved an exception to the hiring freeze for an Accountant I/II temporary over hire in the Finance Department and appropriated \$21,000 from existing Redevelopment reserves to fill the temporary position.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Request for Exception to the Hiring Freeze for an Accountant I/II position in the Finance Department.

ACTION:

Council approved an exception to the hiring freeze for an Accountant I/II position in the Finance Department.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Amendment to Job Specification

ACTION:

Council amended the job specification of Utility Maintenance Worker class.

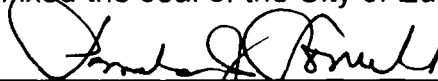
Adopted on motion by Councilmember Madsen, seconded by Councilmember Cirabellini, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Exclusive Right to Negotiate (ERTN) Agreement with Marty & Michele L' Herault dba Old Town Carriage Company

ACTION:

Council adopted City Council Resolution No. 2011-05 and Redevelopment Agency Resolution No. 11-1 approving an Exclusive Right to Negotiate Agreement (ERTN) with Marty and Michele L'Herault dba Old Town Carriage Company, for the purchase and development of Agency property located at 1st and "C" streets; and authorized the execution of a 180-day ERTN between the Eureka Redevelopment Agency and Marty and Michele L'Herault dba Old Town Carriage Company.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Increase Enterprise Zone hiring Credit voucher Application Fees

ACTION:

Council adopted Resolution 2011-06 authorizing an increase of \$5.00 per Enterprise Zone voucher fee, which will be remitted to the State of California.

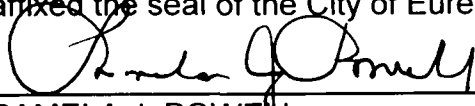
Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini , and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Redevelopment

Agenda Item 11

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Temporary Firefighter Position Overhire

ACTION:

Council approved the over hire of one temporary firefighter position in the Fire Department.

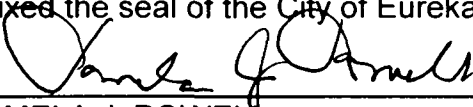
Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Mayor's appointments to boards, commissions and committees

ACTION:

Mayor Jager provided a report. No one from the public addressed the Council regarding this matter.

Council approved the Mayor's appointments and re-appointments to boards, commissions, and committees with the following term expirations dates:

Art & Culture Commission: Appoint Shelley W. Holstein	01/01/2014
Art & Culture Commission: Re-appt Virginia Niekrasz-Laurent	01/01/2015
Eureka Energy Committee: Re-appt Eli Asaria	01/01/2015
Eureka Energy Committee: Re-appt Michael Regan	01/01/2015
Housing Advisory Board: Re-appt Laurie Sanchez	01/01/2015
Housing Advisory Board: Appoint John Chiv	01/01/2014
Open Space & Parks: Appoint Amy Washburn	01/01/2015
Open Space & Parks: Appoint Ray Miller	01/01/2015
Parking Place: Re-appt Robert Jones	01/01/2015
Parking Place: Re-appt Rahi Maraie	01/01/2015
Planning Commission: Appoint Lee R. Ulansey	01/01/2014
Transportation Safety Com.: Re-appt Carole Beaton	01/01/2013
Transportation Safety Com.: Re-appt Kimberley Bergel	01/01/2013
Transportation Safety Com.: Re-appt Ron Kuhnel	01/01/2013

Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini, and the following vote:

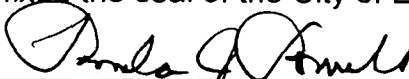
AYES: BRADY, NEWMAN, CIARABELLINI, MADSEN
NOES: ATKINS
ABSENT: NONE
ABSTAIN: NONE

MINUTE ORDER, January 18, 2011
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PAGE: 2

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: 2010 California Fire Code

ACTION:

Assistant Fire Chief Rusty Goodlive provided a report. No one from the public addressed the council regarding this subject matter.

Council waived reading, read by title only and adopted Bill No. 833-C.S; Ordinance No. 763-C.S. amending Title 9, Chapter 92, Adoption of the California Fire and Life Safety Code, repealing Section 92.01 through 92.06, and replacing with new section 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Brady, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Fire

Agenda Item 14

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Water Rates

ACTION:

Public Works Director, Bruce Young provided a report. The following individuals addressed the council regarding this subject matter:

Joesph O'Leary, Eureka
Richard Tolleson, Eureka

Council adopted Resolution No. 2010-07 of the City Council establishing water fees within the City of Eureka for FY 2010-11 through FY 2014-15.

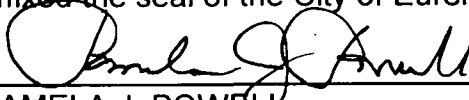
Adopted on motion by Councilmember Newman, seconded by Councilmember Brady, and the following vote:

AYES: BRADY, NEWMAN, CIARABELLINI, MADSEN
NOES: ATKINS
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Sequoia Park Zoo Facility Master Plan

ACTION:

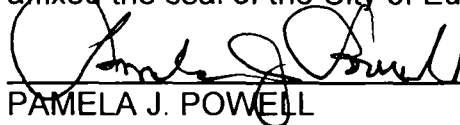
Public Works Director Bruce Young introduced Zoo Manager Gretchen Ziegler who provided a report. No one from the public addressed the Council regarding this matter.

Council received the power point presentation.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Public Works

Agenda Item 16

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: City Manager/Executive Director's reports

ACTION:


City Manager Tyson provided information regarding the following:

- Martin Slough Interceptor Project update by Assistant City Manager Mike Knight

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 18, 2011.

SUBJECT: Adjournment

ACTION:

Without objection, the meeting was adjourned at 8:02 P.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 3, 2011.



PAMELA J. POWELL
CITY CLERK

AGENDA SUMMARY**RE: SAMOA PENINSULA FIRE DISTRICT AGREEMENT****FOR AGENDA DATE: MARCH 1, 2011****AGENDA ITEM NO.:****3****RECOMMENDATION:**

1. Authorize the City Manager to enter in an agreement with Samoa Peninsula Fire District, Humboldt Fire District #1, and Arcata Fire Protection District to provide emergency response to the Samoa Peninsula Fire District.

SUMMARY:


The purpose of this agreement is to provide the most efficient and effective emergency services to the Samoa Peninsula Fire District (Hereafter referred to as SPFD) when requested by SPFD while at the same time maintaining an adequate resource reserve for the greater Eureka area and other mutual aid districts when needed. The SPFD is staffed 100% by volunteers and therefore it is often difficult for them to have 100% coverage at all hours of the day, 365 days per year.

This past year, representatives from the SPFD approached Eureka Fire Department (EFD), Humboldt Fire District #1 (HFD), and Arcata Fire Protection District (AFD) for emergency response assistance during times when SPFD did not have adequate response personnel for coverage or incidents. Representatives noted low volunteer membership, and anticipated improvement by the end of 2010. As noted, SPFD is 100% volunteer, and responds historically to an average of 50 emergency calls per year. Historically, EFD has responded 3-6 times per year to emergency incidents within the jurisdiction of SPFD. Through discussion between the departments, a short term mutual aid agreement was established whereby EFD, HFD, and AFD would each respond one engine plus the closest duty officer to select call types. This agreement was signed in August 2010, and established with a sunset of December 31, 2010, upon which time the agreement was to be reevaluated by all involved parties.

*Continued***FISCAL IMPACT:** No Fiscal Impact**DEPARTMENT HEAD SIGNATURE:**


Bill Gillespie
 Interim Fire Chief

CITY MANAGER SIGNATURE:


David W. Tyson
 City Manager

REVIEWED BY:

City Attorney
 Finance

DATE:

2/23/11
2/24/11

INITIALS:

ph
pe

Council Action:

Ordinance No. _____

Resolution No. _____

Summary: Continued

Reevaluation of the agreement began in January 2011. It was determined through input from SPFD representatives that the staffing situation noted the previous year had not improved. This had been reinforced between December 24 thru December 29, 2010 when SPFD representatives advised that they had no available response personnel, and the mutual aid departments assumed coverage in the event of a large incident.

During reevaluation of the prior mutual aid agreement and potential extension of that agreement, discussion involved the ability for SPFD to provide reciprocal mutual aid back to the responding agencies, and cost to those responding agencies. The idea behind mutual aid is that participating agencies have the ability to assist each other, back and forth as incidents arise. EFD shares numerous mutual aid agreements with neighboring agencies, and provides resources when requested and when it will not deplete the resources remaining in the community. It was determined that SPFD is not currently in a position to provide a return on mutual aid due to staffing and experience of personnel. Cost to EFD and the other agencies providing mutual aid response comes in the form of hard cost for the resource being gone, and for subsequent backfill of unstaffed stations and apparatus.

Through discussion, it was determined that an agreement based on assistance by hire would be a better format for all parties involved. This type of agreement provides response to emergency incidents as requested, with the requesting agency agreeing to pay the responding agencies for their time at the incident. This is the same type agreement used by state and local agencies through the California Fire Assistance Agreement during large wildfires and other emergencies, whereby the responding agencies are paid for their response personnel and equipment, which helps to cover overtime costs to continue to provide emergency response in the home jurisdiction.

The attached agreement is a draft assistance by hire agreement between SPFD, EFD, HFD, and AFD, where the three agencies agree to provide emergency response to SPFD, with each agency then invoicing SPFD individually for payment. The listed fees are the same response fees used by each respective agency for wildfire responses through the California Fire Assistance Agreement. These fees would be updated periodically through this agreement to reflect the cost increases of the responding agency. This agreement differs from the past mutual aid agreement in that it no longer details the types of calls the responding agencies will respond to, but allows the requesting agency (SPFD or CAL Fire Dispatch in the event of no SPFD response) to request services, for which SPFD will be invoiced. The term of this agreement is indefinitely, with the option of termination by any party with 30 days notification.

It should be noted that this agreement does not require EFD or other named responder agencies to unnecessarily deplete their own jurisdiction to respond to SPFD. In the event that EFD is committed to another incident or incidents and unable to respond, and a request for response is received, Cal Fire will be notified of the inability to respond, and units from other departments will be requested.

This agreement, in its current form, has been tentatively approved by the SPFD Board, HFD Board, and AFD. Authorization of the City Manager to direct staff to enter into the attached agreement will give the City and Department the ability to offset costs of emergency response to SPFD through contractual response reimbursement invoicing.

Attachments:

Samoa Peninsula Fire District Agreement (Draft)

**ASSISTANT BY HIRE AGREEMENT BETWEEN THE CITY OF
EUREKA, ARCATA FIRE PROTECTION DISTRICT AND HUMBOLDT
No. 1 FIRE PROTECTION DISTRICT FOR RESPONSE TO THE SAMOA
PENINSULA FIRE DISTRICT**

THIS ASSISTANT BY HIRE AGREEMENT made and entered into this ____ day of _____, 2011 by and between the CITY OF EUREKA (hereinafter referred to as EFD), Arcata Fire Protection District (hereinafter referred to as AFD) and the HUMBOLDT NO.1 FIRE PROTECTION DISTRICT (hereinafter referred to as HFD) and the SAMOA PENINSULA FIRE DISTRICT (hereinafter referred to as SPFD):

WITNESSETH:

WHEREAS, the SPFD is staffed 100% by volunteers and therefore it is difficult to have 100% coverage 24/7, 365 days a year.

WHEREAS, the purpose of this agreement is to provide the most efficient and effective emergency services to the Samoa Peninsula while maintaining an adequate reserve for the other mutual aid districts when needed.

WHEREAS, Samoa Peninsula Fire District historically responds to approximately 50 calls per year in the SPFD.

WHEREAS: SPFD recognizes and accepts that while Command may be assumed by Mutual Aid agency personnel, these agencies and their personnel assume no liability above that associated with the respective roles that they fulfill during the incident and that the SPFD remains as the agency having jurisdictional and financial responsibility

Effective with this agreement, the following policy for Assistance By Hire response between the EFD, AFD and HFD# and the Samoa Peninsula Fire District shall apply.

1. ASSISTANCE BY HIRE RESPONSE AREA

- a) Samoa Bridge and New Navy Base Road south and all roads off of New Navy Base south of the Samoa Bridge to the North Jetty, including the communities of Samoa, Finntown, and Fairhaven.

2. INCIDENT RESPONSE

- a) EFD, AFD and HFD #1 agree to respond one fire engine from each respective agency along with the closest single duty officer to any incident as requested by SFPD

3. REIMBURSEMENT

- a) It shall be the responsibility of EFD, AFD and HFD#1 to invoice the SFPD for the cost of each individual response as outlined per the Schedule below.
- b) SFPD agrees to reimburse EFD, AFD and HFD#1 per response based

on a two-hour minimum charge per call at the following rate schedule:

EUREKA FIRE DEPARTMENT

<u>Classification</u>	<u>Rate/Hour</u>
Chief	\$64.77
Assistant Chief	52.01
Captain II	27.10
Captain	24.23
Engineer	20.17
Firefighter	17.55

Apparatus:

<u>Engine GPM</u>	<u>Hourly Rate</u>
1001-1250	\$90.00
1251-1500	95.00
1501-2001+	105.00

Aerial	175.00
SUV	5.00
Pick up	5.00

ARCATA FIRE PROTECTION DISTRICT

<u>Classification</u>	<u>Rate/Hour</u>
Chief	\$54.89
Assistant Chief	45.36
Captain II	37.32
Captain	19.76
Engineer	17.07
Firefighter	14.73

Apparatus:

<u>Engine GPM</u>	<u>Hourly Rate</u>
0001-1000	\$70.00
1001-1251	80.00
1251-1501	85.00
1501-2001+	90.00

SUV	5.00
Pick up	5.00

HUMBOLDT No.1 FIRE PROTECTION DISTRICT

<u>Job Classification</u>	<u>Rate/Hour</u>
Chief	\$56.32
Battalion Chief	36.14
Captain II	22.17
Captain	20.55
Engineer	18.66
Firefighter	16.94

Apparatus:

Engine GPM	Hourly Rate
01-1000	\$75.00
1001-1250	90.00
1251-1500	95.00
1501-2001+	105.00

SUV	5.00
Pick up	5.00

***All rates are subject to change on an annual basis based upon each individual agencies current MOU on file per job classification.**

4. OPERATIONS

- a) That EFD, AFD, and HFD#1 will be requested through their Emergency Dispatch, and upon response, will acknowledge their response on the requesting agencies dispatch channel i.e.- Humboldt County Fire Net- Tone 3
- b) When such assistance is requested, EFD, AFD and HFD#1 shall not be required to unreasonably deplete their own fire protection and emergency medical resources, personnel, services and facilities in furnishing such aid. In the event that an agency is not available to provide Assistance BY Hire Aid, the SPFD dispatch center shall immediately be notified.
- c) When circumstances lead to SPFD's inability to field a response, SPFD shall notify EFD dispatch and Cal Fire Fortuna dispatch immediately. In circumstances when such information is available prior to the specific date/time, SPFD will immediately advise it's partnering agencies Duty Chiefs via their respective Dispatch Centers so that they can adequately plan for the response potential.
- d) In the event that a SPFD fire official is not on scene or chooses to transfer Command of the incident to EFD, AFD and HFD#1 personnel, Command will be assumed and actions will be initiated towards the stabilization of the incident, up to and including, requesting additional Mutual Aid or specialized resources.
- e) SPFD officials recognize and accept that while Command may be assumed by another agency or Mutual Aid agencies, their personnel assume no liability above that associated with the respective roles that they fulfill during the incident and that the SPFD remains the agency having responsibility.
- f) All equipment used by EFD in carrying out this agreement will, at the time of action hereunder, be owned by it and personnel acting for EFD will, at the time of such action, be an employee of EFD.
- g) All equipment used by AFD in carrying out this agreement will, at the time of action hereunder, be owned by it and personnel acting for AFD will, at the time of such action, be an employee of AFD.
- h) All equipment used by HFD#1 in carrying out this agreement will, at the time of action

hereunder, be owned by it and personnel acting for HFD#1 will, at the time of such action be an employee of HFD#1.

- i) All equipment used by SPFD in carrying out this agreement will, at the time of action hereunder, be owned by it and personnel acting for SPFD will, at the time of such action be an employee of SPFD.
- j) All responding organizations shall report to the officer in Command and shall be subject to the orders of that official and such assignments shall be commensurate to the crew's knowledge, skills, and abilities.
- k) The responding organization(s) shall be released by the requesting organization when the services of the responding organization(s) are no longer required or when the responding organization is needed within the area for which it normally provides fire protection.

3. TERM:

- a) This agreement shall commence _____, 2011, and shall continue indefinitely. However any party hereto may withdraw from this agreement by giving thirty (30) days notice in writing to the other parties; subject to the conditions of any other contracts or agreements governing the delivery of emergency services.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed as of the day and year first herein above written.

Bill Gillespie
Fire Chief
Eureka Fire Department

Date: _____

Troy Nicolini
Board Chair
Samoa Peninsula Fire District

Date: _____

John McFarland
Fire Chief
Arcata Fire Protection District

Date: _____

Ken Woods
Fire Chief
Humboldt Fire Protection District #1

Date: _____

AGENDA SUMMARY**RE:** Mayor and Council Correspondence Policy**FOR AGENDA DATE:** March 1, 2011**AGENDA ITEM NO.:**

4

RECOMMENDATION:

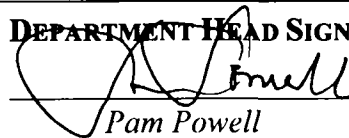
1. Adopt Policy No. 1.12 "Mayor and Council Correspondence Policy" as a policy of the City Council.

SUMMARY:

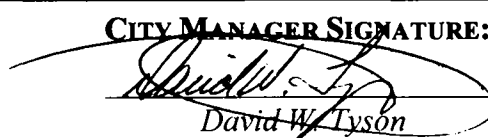
The Mayor and Council Correspondence policy has been developed to facilitate timely and consistent correspondence between elected officials and their constituents. The policy is designed to allow staff to answer routine requests for service and to start processing complaints as soon as those complaints are received. The policy will allow for consistent correspondence to citizens and accountability by staff back to the Mayor and Council.

ATTACHMENTS:

Attachment 1 – Policy No. 1.12 Correspondence Policy

FISCAL IMPACT: None with this action.**DEPARTMENT HEAD SIGNATURE:**


Pam Powell
City Clerk

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

City Attorney

DATE:

INITIALS:

Council Action:

Ordinance No. _____

Resolution No. _____

CITY OF EUREKA

Category: ADMINISTRATION

POLICIES & PROCEDURES

Subject: Mayor and Council Correspondence

Date Adopted:

File 1.12
Number

POLICY OBJECTIVE

To facilitate prompt correspondence between elected officials and citizens; insure each inquiry receives a response from either staff or a councilmember; and comply with all applicable public records retention laws.

ASSIGNED RESPONSIBILITY

Mayor, Councilmember, City Manager, City Clerk, Executive Assistant, and all staff who provide follow up.

APPLICABILITY

All incoming USPS correspondence, e-mail and voice mail.

PROCEDURES

1. USPS Mail

All incoming USPS mail addressed to the Mayor, Council Members, City Manager, and City Clerk will be opened by the Executive Assistant.

- a. Mail that is marked "Personal or Confidential" will not be opened and forwarded directly to the addressee.
- b. Anonymous or unsigned letters will be forwarded unless otherwise directed.
- c. All mail will be opened and the envelope will be stapled to the back of the letter.
- d. A notice will be sent by staff to the sender indicating that the letter has been received by the Mayor or Councilmember.
- e. Correspondence will be reviewed and if it is determined that the request is routine and can be handled by staff, a copy of the letter will be sent to the appropriate department for response. The original letter will be noted and placed in the addressee in-basket.
- f. All correspondence received and or disseminated by the City of Eureka is a public record and must be retained according to adopted Records Retention Policy No. 1.10.

CITY OF EUREKA

Category: ADMINISTRATION

POLICIES & PROCEDURES

Subject: Mayor and Council Correspondence

Date Adopted:

File 1.12
Number

2. E-Mail

- a. Group e-mails to the Mayor and Council which include the City Clerk as an addressee will receive a receipt received response from the City Clerk or assigned staff. Requests for service or complaints which can be handled by staff will be forwarded to the appropriate department for response. A copy of the department's response will be provided to the Mayor and Council.
- b. Group e-mails to the Mayor and/or Council which do not include the City Clerk will not receive a receipt received response from the City Clerk. If any of the Council members would like a response to be sent to the e-mail sender or for staff to respond to a request or complaint, the e-mail must be forwarded to the clerk by the elected official. Upon receipt of the e-mail from the Mayor or Council, the City Clerk will advise the sender of receipt, copy the Mayor and Council that this e-mail has been forwarded to the clerk and forward the concern to the appropriate staff or department. A copy of staff's response will be provided to the Mayor and Council.
- c. Individual e-mails received by the Mayor and or Council with a request or complaint needing a response by staff shall be forwarded by the elected official to the City Clerk for a response and follow-up. A copy of staff's response will be provided to the Mayor and Council.

3. Citizen Comment

The City of Eureka website provides a forum for citizens to e-mail the City with opinions, concerns, messages, etc. These messages will be sent to the Mayor and Council when appropriate. Anonymous comments will be forwarded unless otherwise directed. All other comments will be forwarded to the appropriate department for response.

4. Voice Mail

Voice mails received at the City Clerks office regarding an item on the agenda or other concerns and meant to be heard by elected officials will be forwarded to the Mayor and Council only when the person leave their name along with the message. All incoming voice-mail will be forwarded unless otherwise directed.

AGENDA SUMMARY**RE: REDEVELOPMENT AGENCY**

Agency/City Resolutions Approving the
Thirty-Fourth Amendment to the
Agreement for the Construction of Public
Improvements

FOR AGENDA DATE: March 1, 2011

AGENDA ITEM NO.:

5

RECOMMENDATION:

1. Adopt the Joint Resolution of the City and Agency approving the thirty-fourth amendment for the Construction of Public Improvements within the Century III Phase I, Century III Phase II, and the Eureka Tomorrow Redevelopment Projects.

SUMMARY:

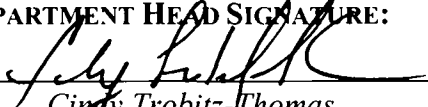
Since the early 1970's the Eureka Redevelopment Agency has been engaged in various activities to remove blighting conditions in the Project Area. In keeping with the goals of the Agency to eliminate blight and reduce physical and economic blight in accordance with the Redevelopment Plans and Agency's current Implementation Plan, the City and Agency have been working cooperatively regarding the development of certain public improvements, projects and programs in the Project Area.

Due to the complexity of the projects and the varying funding sources, in 1974, the Agency and the City entered into a Construction of Public Works Agreement ("Agreement"). Since that time the Agreement has been amended to include new public improvement projects within the three project areas.

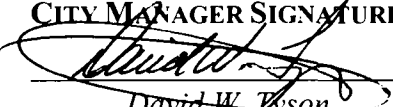
The attached Thirty Fourth Amendment to the Agreement for the Construction of Public Improvements updates the current projects. Through this Agreement, the Agency will pay for designated portions of the project cost, and the City will complete public improvement projects that will to alleviate blighting conditions in the Project Area.

FISCAL IMPACT: None with this action.

DEPARTMENT HEAD SIGNATURE:


Cindy Trobitz-Thomas
Redevelopment Director

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

Council Action:

Ordinance No. _____

Resolution No. _____

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA, APPROVING THE THIRTY-FOURTH AMENDMENT TO THE AGREEMENT FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS

The City Council of the City of Eureka resolves as follows:

WHEREAS, the City Council ("City Council") of the City of Eureka ("City") has adopted and amended, from time to time, the Century III Phase I, Century III Phase II and the Eureka Tomorrow Redevelopment Plans ("Redevelopment Plans") for the Century III Phase I, Century III Phase II and the Eureka Tomorrow Redevelopment Project Areas ("Project Areas"); and

WHEREAS, the Eureka Redevelopment Agency ("Agency") is engaged in various activities in its efforts to remove the blighting conditions that still remain in the Project Area; and

WHEREAS, in keeping with the goals of the Agency to eliminate blight and reduce physical and economic blight in accordance with the Redevelopment Plans and Agency's current Implementation Plan ("Implementation Plan"), the City and Agency have been working cooperatively regarding the development of certain public improvements, projects and programs in the Project Area; and

WHEREAS, due to the complexity of the projects and the varying funding sources, the Agency and the City mutually desire to enter into the Thirty Fourth Amendment to the Agreement for the Construction of Public Improvements (the "Agreement") , a copy of which is on file with the City Clerk and Agency Secretary through which the Agency shall pay for designated portions of, and the City shall conduct, public improvement projects to alleviate blighting conditions in the Project Area as set forth in the proposed Agreement; and

WHEREAS, implementation of the Agreement will assist the Agency to accomplish the stated goals in the Redevelopment Plans and its current Implementation Plan as described in the staff report accompanying this Resolution (the "Agenda Summary"); and

WHEREAS, under the California Redevelopment Law (Health and Safety code Section 33100 et seq.; the "Law"), before the Agency can expend money for public improvements, the Agency and the City must make specified findings pursuant to Health and Safety Code Section 33445; and

WHEREAS, pursuant to the Law, the Agency and the City have previously made the required findings pursuant to Health and Safety Code Section 33445; and

WHEREAS, pursuant to State CEQA Guidelines Section 15378(b)(4), approval of the Agreement is not a project subject to the California Environmental Quality Act ("CEQA"), because the Agreement consists of the creation of a governmental funding mechanism for various public improvements and redevelopment projects, but does not commit funds to any specific public improvement, in that environmental review required by CEQA shall be or has been completed prior to the commencement of any public improvement or projects listed in the Agreement; and

WHEREAS, the Staff Report, the Redevelopment Plans, the report to City Council accompanying the Redevelopment Plan, the prior findings made by the Agency and the City, and the Implementation Plan provide additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Eureka as follows:

Section 1.

All the Recitals above are true and correct and incorporated herein.

Section 2.

The City Council consents to the Agency expenditures as called for in the Agreement for the public improvement projects listed in the Agreement, subject to completion of any environmental review required by CEQA prior to the commencement of any improvement listed in the Agreement that was not previously analyzed in specific environmental review for a particular project.

Section 3.

The City Council hereby approves the Agreement and authorizes the City Manager to enter into and execute the Agreement on behalf of the City for the funding and completion of the projects listed in the Agreement, substantially in the form on file with the Agency Secretary and the City Clerk, with such revisions as are reasonably determined necessary by the City signatory, such determination to be conclusively deemed to have been made by the execution of the Agreement by the City signatory. The City Manager is authorized to implement the Agreement and take all further actions and execute all other documents which are necessary or appropriate to carry out the Agreement.

Section 4.

The City Manager is hereby authorized and directed to file a Notice of Exemption with respect to the Agreement in accordance with the applicable provisions of CEQA.

Section 5.

The City Manager is hereby authorized to take such further actions as may be necessary or appropriate to carry out the City's obligations pursuant to this Resolution and the Agreement.

Section 6.

The City Clerk shall certify to the adoption of this Resolution.

Section 7.

This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Eureka at a regular meeting on the 1st day of March 2011

Ayes: Council Members:

Nocs: Council Members:

Absent: Council Members:

In witness of this action, I sign this document and affix the corporate seal of the City of Eureka on March 1, 2011.

Frank Jager, Mayor

Attest:

Pamela Powell, City Clerk

Approved as to Form:

William Bragg, Interim City
Attorney

Approved as to Administration;

David W. Tyson, City Manager

RESOLUTION NO. ____

**A RESOLUTION OF THE EUREKA REDEVELOPMENT AGENCY
APPROVING THE THIRTY-FOURTH AMENDMENT TO THE
AGREEMENT FOR THE CONSTRUCTION OF PUBLIC
IMPROVEMENTS**

The Eureka Redevelopment Agency resolves as follows:

WHEREAS, the City Council ("City Council") of the City of Eureka ("City") has adopted and amended, from time to time, the Century III Phase I, Century III Phase II and the Eureka Tomorrow Redevelopment Plans ("Redevelopment Plans") for the Century III Phase I, Century III Phase II and the Eureka Tomorrow Redevelopment Project Areas ("Project Areas"); and

WHEREAS, the Eureka Redevelopment Agency ("Agency") is engaged in various activities in its efforts to remove the blighting conditions that still remain in the Project Area; and

WHEREAS, in keeping with the goals of the Agency to eliminate blight and reduce physical and economic blight in accordance with the Redevelopment Plans and Agency's current Implementation Plan ("Implementation Plan"), the City and Agency have been working cooperatively regarding the development of certain public improvements, projects and programs in the Project Area; and

WHEREAS, due to the complexity of the projects and the varying funding sources, the Agency and the City mutually desire to enter into the Thirty Fourth Amendment to the Agreement for the Construction of Public Improvements (the "Agreement") , a copy of which is on file with the City Clerk and Agency Secretary through which the Agency shall pay for designated portions of, and the City shall conduct, public improvement projects to alleviate blighting conditions in the Project Area as set forth in the proposed Agreement; and

WHEREAS, implementation of the Agreement will assist the Agency to accomplish the stated goals in the Redevelopment Plans and its current Implementation Plan as described in the staff report accompanying this Resolution (the "Agenda Summary"); and

WHEREAS, under the California Redevelopment Law (Health and Safety code Section 33100 et seq.; the "Law"), before the Agency can expend money for public improvements, the Agency and the City must make specified findings pursuant to Health and Safety Code Section 33445; and

WHEREAS, pursuant to the Law, the Agency and the City have previously made the required findings pursuant to Health and Safety Code Section 33445; and

WHEREAS, pursuant to State CEQA Guidelines Section 15378(b)(4), approval of the Agreement is not a project subject to the California Environmental Quality Act ("CEQA"), because the Agreement consists of the creation of a governmental funding mechanism for various public improvements and redevelopment projects, but does not commit funds to any specific public improvement, in that environmental review required by CEQA shall be or has been completed prior to the commencement of any public improvement or projects listed in the Agreement; and

WHEREAS, the Staff Report, the Redevelopment Plan, the report to City Council accompanying the Redevelopment Plans, the prior findings set made by the Agency and the City, and the Implementation Plan provide additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE BE IT RESOLVED by the Eureka Redevelopment Agency as follows:

Section 1.

All the Recitals above are true and correct and incorporated herein.

Section 2.

The Agency agrees to make the expenditures as called for in the Agreement for the public improvement projects listed in the Agreement, subject to completion of any environmental review required by CEQA prior to the commencement of any improvement listed in the Agreement that was not previously analyzed in other specific environmental review for a particular project.

Section 3.

The Agency hereby approves the Agreement and authorizes the Executive Director to enter into and execute the Agreement on behalf of the Agency for the funding and completion of the projects listed in the Agreement, substantially in the form on file with the Agency Secretary and the City Clerk, with such revisions as are reasonably determined necessary by the Agency signatory, such determination to be conclusively deemed to have been made by the execution of the Agreement by the Agency signatory. The Executive Director is authorized to implement the Agreement and take all further actions and execute all other documents which are necessary or appropriate to carry out the Agreement.

Section 4.

The Executive Director is hereby authorized and directed to file a Notice of Exemption with respect to the Agreement in accordance with the applicable provisions of CEQA.

Section 5.

The Executive Director is hereby authorized to take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to this Resolution and the Agreement.

Section 6.

The Agency Secretary shall certify to the adoption of this Resolution.

Section 7.

This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the Eureka Redevelopment Agency at a regular meeting on the 1st day of March 2011

AYES:	BOARDMEMBERS
NOES:	BOARDMEMBERS
ABSTAIN:	BOARDMEMBERS
ABSENT:	BOARDMEMBERS

FRANK JAGER, Chair
Eureka Redevelopment Agency

ATTEST:

PAMELA J. POWELL, Executive Secretary
Eureka Redevelopment Agency

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON, Executive Director
Attorney
Eureka Redevelopment Agency

WILLIAM BRAGG, Interim Agency
Eureka Redevelopment Agency

**THIRTY FOURTH AMENDMENT TO THE AGREEMENT
FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS
WITHIN THE REDEVELOPMENT PROJECT AREA
BY AND BETWEEN THE CITY OF EUREKA AND
THE EUREKA REDEVELOPMENT AGENCY**

This Thirty-Fourth Amendment is made on March 1, 2011, by and between the City of Eureka (hereinafter referred to as the "City") and the Eureka Redevelopment Agency (hereinafter referred to as the "Agency") with reference to the Agreement pertaining to public improvements within Redevelopment Project Area entered into on January 28, 1975, by and between the City and the Agency as amended from time to time. The City and the Agency hereby amend said Agreement as follows:

1. This Amendment shall delete Article III (Section 300) in its entirety and substitute in its place the following:

A. (Section 301) Agency Grant. Subject to the terms and conditions of this Agreement, the Agency hereby grants to the City, and the City hereby accepts from the Agency, a grant (the "Grant") in an amount not to exceed the total amount shown for all public improvement projects set forth in Section 4 of the Thirty Third Amendment to the Agreement ("Public Improvement Projects"), for use by the City to complete the Public Improvement Projects as further provided in Section 100. The total amount shown in Section 4 of the Thirty-Third Amendment to the Agreement shall be referred to herein as the "Maximum Grant Amount".

B. (Section 302) Grant Source. The sources of the Grant from the Agency to the City consist of:

1. All funds currently held by the Agency (other than in the Agency's Low and Moderate Income Housing Fund) and not previously budgeted or appropriated for other activities, projects, or programs (the "Available Funds");
2. All net proceeds of bonded indebtedness or other indebtedness of the Agency that the Agency designates for payment of the amount owed under this Agreement (the "Bond Proceeds"); and
3. All proceeds from land sales and leases of property owned by the Agency ("Land Proceeds"); and

4. All future tax increment revenue allocated to the Agency pursuant to the Redevelopment Plans for the Projects and the Redevelopment Law and available to the Agency after the Agency: (1) makes all necessary annual payments with respect to then existing debt obligations of the Agency, including, without limitation, bonded indebtedness, pass-through payments owed to affected taxing entities under agreement or Sections 33607.5 or 33607.7 of the Redevelopment Law, written agreements with other persons or entities including prior agreements with the City, deposits to the Agency's Low and Moderate Income Housing Fund pursuant to the Redevelopment Law, and any other statutorily required payment obligations of the Agency; and (2) sets aside a reasonable amount for Agency administration as mutually determined by the City and the Agency (collectively, the "Pledged Funds").

In no event shall the sum of the Available Funds, the Bond Proceeds, the Land Proceeds and the Pledged Funds exceed the Maximum Grant Amount.

As used in this Agreement, "tax increment revenue" means and includes taxes allocated to, or made available to, or otherwise received by the Agency or a Successor pursuant to Health and Safety Code Section 33670 *et seq.* or other provision of the Redevelopment Law, or pursuant to any applicable constitutional provision, statute, or other provision of law now existing or adopted in the future to pay the debts and obligations of the Agency.

As used in this Agreement, "Successor" includes any lawful successor of the Agency, and/or any lawful successor to any powers and rights of the Agency, pursuant to any applicable constitutional provision, statute or other provision of law now existing or adopted in the future.

C. (Section 303) Payment Procedure. The Agency shall pay the Available Funds to the City within ten (10) days of the date of this Agreement. The Agency shall pay the Pledged Funds, the Land Proceeds and Bond Proceeds to the City within ten (10) days after receipt of each installment of tax increment revenue in an amount equal to the portion of such tax increment revenue constituting Pledged Funds. Until needed to fund a Public Improvement Project, the City shall invest all Grant funds received from the Agency in the Local Agency Investment Fund or other comparable investment vehicle, and shall apply all interest earned thereon toward the cost of the Public Improvement Projects. Any Grant funds held by or for the benefit of the City at the earlier of (a) completion of and payment for all of the Public Improvement Projects or (b) the Plan Effectiveness Deadline for the longest term Redevelopment Plan shall be promptly reimbursed by the City to the Agency, and may thereafter be used by the Agency free of any obligation under this Agreement.

In the event that the City incurs costs on behalf of the Agency pursuant to this Agreement prior to receipt of Grant funds from the Agency for such costs, in addition to the payment of Grant funds for costs incurred, the Agency shall pay the City interest on all such costs at the rate of Six Percent (6%) per annum calculated from the time of the City's expenditure of funds until the date of payment by the Agency.

D. (Section 304) Indebtedness of the Agency. The obligation of the Agency to pay the Available Funds and the Pledged Funds to the City shall constitute an indebtedness of the Agency incurred in carrying out the Redevelopment Plan and a pledge of tax increment received by the Agency from the Project Areas to repay such indebtedness under the provisions of Article XVI, Section 16 of the Constitution of the State of California, the Redevelopment Law, and the Redevelopment Plans.

E. (Section 305) Subordination. The parties agree that the obligation of the Agency to make payments pursuant to this Agreement is subordinate to: (a) any obligation of the Agency to pay debt service on tax increment bonds, or any other loans or agreements, heretofore or hereafter issued and secured by a pledge of and a lien upon tax increment revenue generated by the Agency in the Project Areas; (b) any required deposits or related payments to the Agency's Low and Moderate Income Housing Fund; and (c) any pass-through payment obligation to affected taxing entities.

2. The City shall commence and/or complete the following projects:

<u>Project Name</u>	<u>Completion Date</u>	<u>Estimated Project Cost</u>
C Street Amenities (Market Square)	10/11	\$3,189,822
Carson Mill Site Cleanup	10/11	\$ 674,673
Skate Park	10/11	\$ 488,728
Fire Drill Facility	10/11	\$ 251,778
Fishermen's Terminal Building	11/12	\$4,426,741
Salt Marsh Mitigation	11/12	\$ 275,000
Wastewater Project	11/12	\$ 700,000
Electric Vehicle Charging Stations	11/12	\$ 20,000
Market Square Water Sculpture	11/12	\$ 20,000

3. A new Section 501 is hereby added to the Agreement to read as follows:

(Section 501) Binding Upon Successors. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest and assigns of each of the parties to this Agreement, whether by agreement or operation of law and including, without limitation, any Successor to the Agency. Any reference in this Agreement to a specifically named party shall be deemed to apply to any successor, heir, administrator, executor or assign of such party who has acquired an interest in compliance with the terms of this Agreement, or under law.

4. A new Section 502 is added to the Agreement to read as follows:

(Section 502) Severability. If any term, provision, covenant, or condition set forth in this Agreement is held by the final judgment of a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions, covenants, and conditions shall continue in full force and effect to the extent that the basic intent of the Parties as expressed herein can be accomplished. In addition, the Parties shall cooperate in good faith in an effort to amend or modify this Agreement in a manner such that the purpose of any invalidated or voided provision, covenant, or condition can be accomplished to the maximum extent legally permissible.

5. Except as amended and modified in this Thirty-Fourth Amendment all other terms, conditions, covenants and provisions of the Agreement and prior amendments not inconsistent herewith shall remain in full force and effect.

IN WITNESS WHEREOF, the City and the Agency have executed this Thirty-Fourth Amendment as of the date set forth above.

EUREKA REDEVELOPMENT AGENCY

CITY OF EUREKA

FRANK JAGER, CHAIR

FRANK JAGER, MAYOR

ATTEST:

APPROVED AS TO FORM:

PAMELA POWELL, CITY CLERK

WILLIMA BRAGG, INTERIM CITY
ATTORNEY

APPROVED AS TO ADMINISTRATION:

DAVID W. TYSON, EXECUTIVE DIRECTOR

AGREEMENT
FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS
WITHIN THE
CENTURY III PHASE I, CENTURY III PHASE II
AND EUREKA TOMORROW REDEVELOPMENT PROJECTS
BY AND BETWEEN
CITY OF EUREKA

AND
EUREKA REDEVELOPMENT AGENCY

THIS AGREEMENT entered into this 28th day of
January, 1975, by and between the EUREKA
REDEVELOPMENT AGENCY, a public body corporate and Politic (the
"Agency"), and the CITY OF EUREKA, a municipal corporation, (the
"City"), with reference to the following:

A. Agency is undertaking certain activities necessary for the execution of the Century III Phase I, Century III Phase II, and Eureka Tomorrow Redevelopment Projects (the "Projects") under the provisions of the California Community Redevelopment Law and pursuant to the Redevelopment Plans for the Projects.

B. Agency desires to contract with City to perform certain functions, construct or install certain public improvements and implement Development Plans as described herein in connection with the Projects;

C. Agency and City Council have determined that said public improvements described in this Agreement are of benefit to the Projects;

D. City proposed to pay for or advance the money for said

improvements from any available funds, including but not limited to S.B. 325 Fund, Tax Increment Fund, Parking and/or Development Fund, Community Development Fund, and General Fund, on condition that Agency reimburse City for its costs, including staff and administrative costs.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. (Section 100) SCOPE OF SERVICES

PUBLIC IMPROVEMENT WORK

City shall cause to be designed, constructed and installed or direct the Agency to design, construct, or install within or in connection with the Projects, the following street, utility, parking and other public improvements necessary for the implementation of the Redevelopment Plans in a satisfactory and proper manner pursuant to plans and specifications to be prepared and approved by City and Agency:

1. First Street Extension - Phase I R-O-W Acquisition

Acquire all lands and R-O-W for the First Street Extension.

Estimated Cost \$257,000

2. First Street Extension Phase II

Relocation of all site occupants and the demolition of all improvements.

Estimated Cost \$100,000

3. First Street Extension Phase III

Construction of First Street from C Street to Washington Street.

Estimated Cost \$975,000

4. First Street Extension Phase III (Water Front Drive)
Construction of First Street from C to Y Street.
Estimated Cost. , \$1,320,000
5. Fish Processing Plant
Construct Fish Processing Plant near Boat
Harbor - City portion only.
Estimated Cost. \$1,520,000
6. Central Fire Facility
Construct Central Fire Facility, Sixth & D
Streets.
Estimated Costs. Post 12/73 only \$ 650,000
7. First & E and Third & F Parking Lots
Construct parking lots at First and E and at
Third & E as local share of NDP.
Estimated Cost. \$ 85,000
8. Fifth & H Parking Lot
Purchase ground, relocate tenants, demolish
structures and construct parking lot.
Estimated Cost. \$ 160,000
9. K-L-M Mall - Parking
Construct pedestrian mall and parking on
K, L, & M between Second and Third Streets.
Estimated Cost. \$ 300,000
10. Industrial Park
Purchase land, relocate occupants, demolition
of structures, construction of public facilities
to create industrial park, R Street to Y Street,
Third Street to Waterfront Drive.
Estimated Cost. \$ 600,000

11. Passive Park
Construct Passive Park between P and Q Streets
and Second and Third Streets.
Estimated Cost. \$50,000
12. "F" Street Mall
Construct F Street Mall from Fifth Street to
First Street and Eighth Street to Fifth. All
stages, including canopies or enclosures.
Estimated Cost. \$650,000
13. Foot of F Park
Construct Park and Mall on F from First
Street to waterfront.
Estimated Cost. \$196,000
14. Third Street Realignment
Purchase R-O-W, demolition, and construct realign-
ment of Third at O Street.
Estimated Cost. \$180,000
15. Third Street Improvement
Construct improvements to Third Street from
realignment to Broadway.
Estimated Cost. \$610,000
16. Second Street Improvement Pedestrian System
Construct Second Street system from F to K
Streets.
Estimated Cost. \$245,000
17. Parking Lots
Construct Parking Lots. First and E, North side
of Seventh between G and H, Third and J, Third

	and L, South side of First between G and H - H and I, South side of Seventh between G and H.	
	Estimated Cost.	\$175,000
18.	<u>Parking Garage</u>	
	Construct Parking Garage, First and Second - C and D.	
	Estimated Cost.	\$345,000
19.	<u>Parking Garage</u>	
	Construct Parking Garage, Third and G and Fifth and H.	
	Estimated Cost.	\$725,000
20.	<u>Street Beautification Program</u>	
	Estimated Cost.	\$250,000
21.	<u>D Street Improvement</u>	
	Improve D Street from First to Freeway.	
	Estimated Cost.	\$180,000
22.	<u>Boardwalk and Marine Way</u>	
	Construct Boardwalk and Marine Way along waterfront between C Street and P Street.	
	Estimated Cost.	\$170,000
23.	<u>Staff and Administration for Above</u>	
	Furnish Staff and Administrative Costs for the above improvements.	
	Estimated Cost.	<u>\$150,000</u>
	ESTIMATED TOTAL COSTS	<u>\$9,893,000</u>

II. (Section 200) TIME OF PERFORMANCE

The services required pursuant to Section 100 shall commence April 18, 1972, with respect to the Century III Phase I Project; May 1, 1973, with respect to the Century III Phase II Project;

and December 4, 1973, with respect to the Eureka Tomorrow Project, and shall be diligently prosecuted by City. The construction priority for public improvement items described in Section 100 will be set by mutual agreement between the Agency and the City.

III. (Section 300) COMPENSATION AND METHOD OF PAYMENT

A. (Section 301) Compensation

Agency shall pay City for the actual as-built costs incurred by City for the public improvement work set forth in Section 100 together with interest at the rate of Six Percent (6%) per annum calculated from the time of City's final payment of such costs. City's preparation of plans and specifications and performance of all City supervisory and engineering work shall be reimbursed by Agency at City's actual costs including payroll costs, material, travel, and other related expenses.

B. (Section 302) Maximum Compensation

The total compensation for all work performed hereunder shall not exceed the sum of NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000.00) without further City and Agency approval.

C. (Section 303) Method of Payment

Billings, as appropriate, shall be submitted to Agency on a monthly basis for services performed the previous month together with a certification of costs showing the cost to the City based on:

- 1) City's payment (s) to the contractor (s) who perform (s) the work;
- 2) City's design and supervision costs;
- 3) City's right-of-way acquisition costs; and
- 4) Accrued interest.

Agency shall pay City from any funds which may be legally available to Agency for repayment of said costs including but not limited to tax increments accruing to Agency pursuant to the Redevelopment Plans for the Projects in accordance with Sections 33670-33674 of the California Redevelopment Law and Section 19, Article XIII of the California Constitution, or from the proceeds of future bond issues.

IV. (Section 400) AMENDMENTS

This Agreement may be amended as it may become necessary from time to time by mutual agreement of the City and the Agency by passage of the appropriate resolutions.

V. (Section 500) LIABILITY AND INDEMNIFICATION

In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined by Section 895 of said Code, the parties hereto, as between themselves, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, will each assume the full liability imposed upon it, or any of its officers, agents or employees by law for injury caused by negligent or wrongful act or omission occurring in the performance of this Agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above-stated purpose each party indemnifies and holds harmless the other party for any loss, costs or expense that may be imposed upon such other party by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if fully set forth herein.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT
as of the date first set out herein.

(SEAL)

ATTEST:

CITY OF EUREKA

Patricia A. Banducci
Patricia A. Banducci
City Clerk

BY: Gilbert S. Trood
GILBERT S. TROOD, MAYOR

(SEAL)

ATTEST:

EUREKA REDEVELOPMENT AGENCY

Jack Segal
JACK SEGAL, Secretary
Eureka Redevelopment Agency

BY: Gilbert S. Trood
GILBERT S. TROOD, CHAIRMAN

APPROVED AS TO FORM:

Melvin S. Johnsen
MELVIN S. JOHNSEN, Agency Attorney

APPROVED:

Murray O. Kane
EUGENE B. JACOBS, AGENCY SPECIAL COUNSEL
By Murray O. Kane

AGENDA SUMMARY**RE: BID PROTEST PROCEDURE POLICY****FOR AGENDA DATE: MARCH 1, 2011****AGENDA ITEM No.:**

6

RECOMMENDATION:

Adopt Policy No. 6.20 "Bid Protest Procedure" as a policy of the City Council.

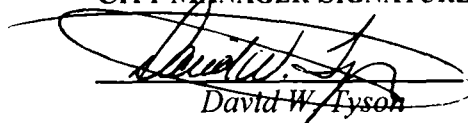
SUMMARY:

A Bid Protest Procedure has been developed to meet one of the requirements of federal grant funding for publicly bid City construction projects. The policy was developed in conformance with federal and state contract code specifications regarding bid protests. The policy outlines the steps, requirements, and timelines for submitting and responding to bid protests.

ATTACHMENTS:

Attachment 1 - Policy No. 6.20 Bid Protest Procedure Policy

Prepared by Kurt Gierlich

**FISCAL IMPACT:** None**DEPARTMENT HEAD SIGNATURE:**Michael Knight
Assistant City Manager**CITY MANAGER SIGNATURE:**David W. Tyson
City Manager**REVIEWED BY:****DATE:****INITIALS:**

City Attorney

Finance

Public Works

2/24/11
2/24/11PR
BY**Council Action:**

Ordinance No. _____

Resolution No. _____

CITY OF EUREKA

Category: PUBLIC SERVICES

POLICIES & PROCEDURES

Subject: BID PROTEST PROCEDURE

Date Adopted:

File Number 6.20

POLICY OBJECTIVE

To establish a bid protest procedure for competitive bidding of public projects.

ASSIGNED RESPONSIBILITY

City Manager, City Attorney, All Department Heads

APPLICABILITY

Applicable to all public project bid solicitations and awards over \$15,000.

PROCEDURES

Any City of Eureka public project for which competitive bidding is required by law may be the subject of a bid protest. The term "public project" as used herein shall have the same meaning as that term is defined in Section 20161 of the Public Contract Code.

1. GROUND FOR PROTEST: Grounds for bid protests shall be limited to computation errors, or violations of local, state, or federal law relating to the determination of low bidder.
2. STANDING TO PROTEST: Any person or entity that submitted a bid on a City of Eureka public project may file a bid protest. An individual or entity may not file a bid protest on behalf of an individual or entity that the protestor is not directly affiliated with. An interested trade association or industry group may file a bid protest under this policy, provided the interested trade association or industry group identifies in its bid protest the basis of its interest in the public project bid being protested.
3. CONTENT OF BID PROTEST: Bid protests must:
 - a. Include the name, mailing address, electronic mail address, telephone and facsimile numbers of the protestor;
 - b. Be submitted in writing; facsimile and e-mail bid protests will be rejected;
 - c. Be signed by the person submitting the protest;
 - d. Identify the project bid being protested by name and number;
 - e. Set forth a detailed statement of the factual and legal grounds for the protest;
 - f. Set forth all information necessary to establish that the protestor has the standing to protest;
 - g. Include copies of all documents forming the basis of the protest;
 - h. Specifically request a ruling by the City; and
 - i. State the form of relief requested.
4. FILING BID PROTEST: Bid protests must be filed at the office of (a) the project manager or his/her designee, or (b) the contracting officer for the City of Eureka

CITY OF EUREKA

Category: PUBLIC SERVICES

POLICIES & PROCEDURES

Subject: BID PROTEST PROCEDURE

Date Adopted:

File Number 6.20

public project being protested. No individual or entity may submit more than one bid protest for a project.

5. TIME FOR BID PROTEST: Bid protests must be filed by 5:00 p.m. of the fifth (5th) business day either (a) after the posting of the bid results, or (b) after receiving a "Notice of Intended Decision" from the City with respect to the proposed award of the bid. Bid protests received after this time and date will be rejected as untimely.
6. COPY OF BID PROTEST TO LOW BIDDER: At the same date and time as is required for the bid protest, the party filing the bid protest shall transmit a complete copy of the bid protest to (a) the low bidder identified in the posting of the bid results, and (b) to all other parties with a direct financial interest which may be adversely affected by the outcome of the protest. Such other parties shall include all other bidders or proposers who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.
7. BID PROTEST EVALUATION: The City's evaluation of bid protests will be made by the project manager or his/her designee or by the contracting officer, in consultation with the City attorney.
8. NO HEARING ON BID PROTEST: No hearing will be held on bid protests; evaluation of bid protests will be made solely upon the written documentation submitted.
9. SUSTAINING OF BID PROTEST: A bid protest will be sustained if the project manager or his/her designee or the contracting officer determines there has been a computation error or a violation of law that alters the bid results.
10. DECISION ON BID PROTEST: After evaluating the bid protest, the project manager or his/her designee or the contracting officer shall issue a written decision sustaining or denying the bid protest. The written decision on the bid protest shall contain a statement of the reasons for sustaining or denying the bid protest. The City's decision shall be final.
11. TIME FOR CITY DECISION REGARDING BID PROTEST: The City's decision regarding bid protests shall be in writing and shall be communicated to the protesting bidder/s via U.S. Mail by 5:00 p.m. of the fifth (5th) business day after the deadline for submittal of bid protests.
12. STAY OF AWARD OF PROJECT CONTRACT: A contract for a public project which is the subject of one or more bid protests shall not be awarded until after the City's decision regarding the bid protest has been communicated to the protesting bidder/s.

AGENDA SUMMARY

RE: A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA AND EUREKA REDEVELOPMENT AGENCY IN OPPOSITION TO THE ADMINISTRATION'S PROPOSAL TO ABOLISH REDEVELOPMENT AGENCIES IN CALIFORNIA

FOR AGENDA DATE: MARCH 1, 2011

AGENDA ITEM No.:

7

RECOMMENDATION:

1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency to oppose the Administration's proposal to abolish Redevelopment Agencies in California.
2. Direct Redevelopment staff to communicate this opposition to the Governor, the Legislature, business groups and citizens.

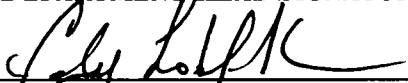
SUMMARY:

Recently, Governor Jerry Brown proposed eliminating Redevelopment Agencies to help close the state's chronic budget deficit. But Redevelopment Agencies—a proven job creator and tax generator is one of the very few tools our community has to complete large construction projects and create safe housing for our elderly and affordable housing for our less fortunate citizens.

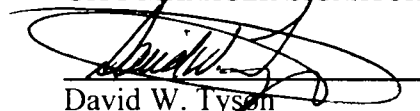
After this budget year, the State Department of Finance acknowledges zero state savings from shutting down redevelopment.

Continued on page 2

FISCAL IMPACT: None with this recommendation.

DEPARTMENT HEAD SIGNATURE:


Cindy Trobitz-Thomas
Redevelopment & Housing Director

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:**DATE:****INITIALS:**

City Attorney

Council Action:

Ordinance No. _____

Resolution No. _____

RE: A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA AND EUREKA REDEVELOPMENT AGENCY IN OPPOSITION TO THE ADMINISTRATION'S PROPOSAL TO ABOLISH REDEVELOPMENT AGENCIES IN CALIFORNIA	FOR AGENDA DATE: MARCH 1, 2011 AGENDA ITEM No.: <i>Page 2</i>
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SUMMARY *(continued)*

The projects below are current success stories of the Redevelopment Agency. Projects like this will be in jeopardy should redevelopment be abolished:

- New Open Door Clinic ~ adding 50 new positions
- First Time Home Buyers projects totaling 165
- 63 Housing rehabilitation loans assisting 818 low income rental units
- Senior Home Repairs focusing on health and safety improvements ~ 659 seniors assisted
- Multiple Assistance Center helping 75 homeless families
- Veteran's Assistance Center
- Eureka Main Street helping reduce 1st floor vacancy rate from 14% to less than 2%
- Façade Improvement property upgrade funding
- Rural Burl Mural Bureau graffiti reduction program
- Seismic Upgrade on two prominent downtown buildings: The Professional and The Gross Buildings. (A historic cornerstone landmark, The Carson Block Building critically needs seismic upgrading but after the state's 2010 \$1.7Million take away, Redevelopment does not have the capacity to fund this project.)

RECOMMENDATION:

1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency to oppose the Administration's proposal to abolish Redevelopment Agencies in California.
2. Direct Redevelopment staff to communicate this opposition to the Governor, the Legislature, business groups and citizens.

COUNCIL RESOLUTION 11-_____
REDEVELOPMENT AGENCY RESOLUTION 11-_____

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EUREKA AND EUREKA REDEVELOPMENT AGENCY IN OPPOSITION
TO THE ADMINISTRATION'S PROPOSAL TO ABOLISH
REDEVELOPMENT AGENCIES IN CALIFORNIA**

WHEREAS, as part of its 2011-12 budget proposal, the Governor has proposed permanently abolishing California's more than 400 local redevelopment agencies; and

WHEREAS, this proposal represents more of the same misguided and illegal State budget raids of local government funds that voters have repeatedly sought to end, most recently in November 2010 when an overwhelming 61% of voters elected to stop State raids of local government funds, including redevelopment funds; and

WHEREAS, this proposal will bring very little financial benefit to the State. According to the State Controller's Office, redevelopment agencies have more than \$87 billion in bond and other contractual obligations that legally must be repaid before revenues are available to any other purpose. In fact, according to the State Department of Finance's own budget documents, there will be zero State savings in out years from shutting down redevelopment; and

WHEREAS, this proposal will destroy local economic development, including hundreds of thousands of jobs and billions of dollars in local economic activity throughout California. In fact, in the City of Eureka abolishing redevelopment will destroy opportunities for such projects and programs as the Veteran's Assistance Center, Eureka Main Street, First Time Homebuyers Program, Housing Rehabilitation Funding, Senior Home Repairs, Façade Improvement Program, Seismic Upgrade Loan Program, Open Door Clinic and Multiple Assistance Center; and

WHEREAS, throughout California, redevelopment activities support 304,000 jobs annually, including 170,600 construction jobs, contribute over \$40 billion annually to California's economy in the generation of goods and services, and generate more than \$2 billion in state and local taxes in a typical year; and

WHEREAS, eliminating redevelopment will take away one of the few tools local governments have to comply with state requirements to plan for more compact urban development supported by transit-oriented development, housing, jobs and infrastructure; and

WHEREAS, eliminating redevelopment will destroy the development of affordable housing in California. Redevelopment agencies are the second largest funder of affordable housing, behind only the federal government, responsible for over 98,000 units of affordable housing since 1993; and

WHEREAS, shutting down redevelopment agencies is a violation of multiple State and Federal constitutional provisions.

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____
PAGE TWO

THEREFORE, BE IT RESOLVED that the Eureka City Council and Redevelopment Agency Board formally oppose the Administration's proposal to abolish redevelopment in California.

THEREFORE, BE IT FURTHER RESOLVED, that Eureka City Council and the Redevelopment Agency Board ask staff to communicate its opposition to this proposal to the Governor, the Legislature, business groups, and citizens.

PASSED, ADOPTED AND APPROVED by the Council of the City of Eureka and, County of Humboldt, State of California, on the 1st day of March, 2011, by the following votes:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

FRANK JÄGER, Mayor
City of Eureka

ATTEST:

PAMELA J. POWELL
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON
City Manager

WILLIAM BRAGG
Acting City Attorney

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____
PAGE THREE

PASSED, ADOPTED AND APPROVED by the Board of the Eureka Redevelopment Agency of the City of Eureka, County of Humboldt, State of California, on the 1st day of March, 2011, by the following votes:

AYES: BOARDMEMBERS
NOES: BOARDMEMBERS
ABSENT: BOARDMEMBERS
ABSTAIN: BOARDMEMBERS

FRANK JÄGER, Chair
Eureka Redevelopment Agency

ATTEST:

PAMELA J. POWELL
Executive Secretary

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON
Executive Director

WILLIAM BRAGG
Acting Agency Attorney

AGENDA SUMMARY

RE: A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA AND EUREKA REDEVELOPMENT AGENCY IN OPPOSITION TO THE ADMINISTRATION'S PROPOSAL TO ABOLISH ENTERPRISE ZONES IN CALIFORNIA

FOR AGENDA DATE: MARCH 1, 2011

AGENDA ITEM No.:

8

RECOMMENDATION:

1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency to oppose the Administration's proposal to abolish Enterprise Zones in California.
2. Direct Redevelopment staff to communicate this opposition to the Governor, the Legislature, business groups and citizens.

SUMMARY:

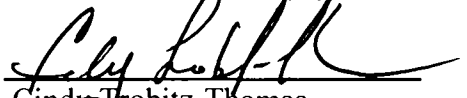
Recently, Governor Jerry Brown proposed eliminating Enterprise Zone tax credits to help close the state's chronic budget deficit.

Enterprise zones are among the few incentives available in local communities to attract businesses and retain jobs. Enterprise zones have allowed people throughout the state to realize their dreams of owning their own business, investing in their community and supporting growth in underserved areas.

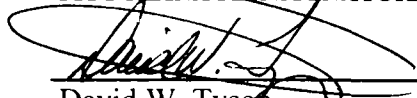
Continued on page 2

FISCAL IMPACT: None with this recommendation.

DEPARTMENT HEAD SIGNATURE:


Cindy Trobitz-Thomas
Director of Redevelopment & Housing

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:**DATE:****INITIALS:**

City Attorney

Council Action:

Ordinance No. _____

Resolution No. _____

RE: A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA AND EUREKA REDEVELOPMENT AGENCY IN OPPOSITION TO THE ADMINISTRATION'S PROPOSAL TO ABOLISH ENTERPRISE ZONES IN CALIFORNIA

FOR AGENDA DATE: MARCH 1, 2011

AGENDA ITEM No.:

Page 2

SUMMARY *(continued)*

In 2010, enterprise zones created or retained more than 118,000 jobs while California experienced unprecedented unemployment. At a time when many businesses cannot afford to hire new employees, enterprise zones helped create 20,000 new jobs in the past year alone.

Recently, Governor Jerry Brown proposed eliminating Enterprise Zones to help close the state's chronic budget deficits. But the program – a proven job creator and tax generator – is one of the very few tools the state has at its disposal to attract new business and create jobs, especially in some of our most distressed communities.

RECOMMENDATION:

1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency to oppose the Administration's proposal to abolish Enterprise Zones in California.
2. Direct Redevelopment staff to communicate this opposition to the Governor, the Legislature, business groups and citizens.

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EUREKA AND EUREKA REDEVELOPMENT AGENCY IN OPPOSITION
TO THE ADMINISTRATION'S PROPOSAL TO ABOLISH ENTERPRISE
ZONES IN CALIFORNIA**

WHEREAS, the origins of California's Enterprise Zone came through enactment of two programs in 1984 – the Enterprise Zone Act and the Employment and Economic Incentive Act; and

WHEREAS, the Enterprise Zone provides a geographically-targeted economic development tool for poor and blighted communities by creating incentives for businesses to hire new employees and purchase equipment for their businesses; and

WHEREAS, the City of Eureka, in partnership with the County of Humboldt, participated in preparation of an application to designate portions of both jurisdictions as an Enterprise Zone; and

WHEREAS, on October 15, 2006, the Eureka Enterprise Zone received its final designation as an Enterprise Zone from the California Department of Housing and Community Development; and

WHEREAS, the State of California and the City of Eureka are experiencing their worst economic crisis since the Great Depression; and

WHEREAS, the economic crisis has resulted in high unemployment rates for the City of Eureka and the neighboring communities; and

WHEREAS, these high unemployment rates serve to increase poverty, crime, and foreclosures of homes, and lead to the disruption of public services to those in the community most in need of assistance; and

WHEREAS, the Eureka Enterprise Zone partners have worked to combat these social problems by using the Enterprise Zone's incentives to encourage new businesses to locate within the Enterprise Zone and existing businesses to expand their operations; and

WHEREAS, the Enterprise Zone has served to attract additional businesses to the City of Eureka, and has helped many others stay in business or expand their operations; and

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____
PAGE TWO

WHEREAS, the City Council and the Redevelopment Agency Board of the City of Eureka acknowledges that the attraction of new businesses and the retention and expansion of existing businesses is the most effective way of guaranteeing its long-term well-being; and

WHEREAS, in his 2011-2012 budget, the Governor of California proposes to eliminate all Enterprise Zone incentives, both for newly earned credits and deductions and for credits that have been earned in prior years.

NOW, THEREFORE, BE IT RESOLVED that the City Council and Redevelopment Agency Board of the City of Eureka have come to recognize the Enterprise Zone as the most impactful state incentive to create new jobs, grow existing businesses, and compete with other states to attract outside investment to California; and

BE IT FURTHER RESOLVED that the City Council and Agency Board believe that the Eureka Enterprise Zone has had a significant positive effect on business activity and economic growth in the City of Eureka and the surrounding area; and

BE IT FURTHER RESOLVED that the City Council and the Redevelopment Agency Board believe that eliminating the most critical business assistance program in the State would be a huge setback to improving California's business climate and its struggles to reach an economic recovery, and urges the State of California to support the Enterprise Zone program.

THEREFORE, BE IT RESOLVED that the City Council and Redevelopment Agency Board formally oppose the Administration's proposal to abolish Enterprise Zones in California.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council and the Redevelopment Agency Board authorize its staff to communicate its opposition to this proposal to the Governor, the Legislature, business groups, and citizens.

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____
PAGE THREE

PASSED, ADOPTED AND APPROVED by the Council of the City of Eureka and, County of Humboldt, State of California, on the 1ST day of March, 2011, by the following votes:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

FRANK JÄGER, Mayor
City of Eureka

ATTEST:

PAMELA J. POWELL
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON
City Manager

WILLIAM BRAGG
Acting City Attorney

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____
PAGE FOUR

PASSED, ADOPTED AND APPROVED by the Board of the Eureka Redevelopment Agency of the City of Eureka, County of Humboldt, State of California, on the 1st day of March, 2011, by the following votes:

AYES: BOARDMEMBERS
NOES: BOARDMEMBERS
ABSENT: BOARDMEMBERS
ABSTAIN: BOARDMEMBERS

FRANK JÄGER, Chair
Eureka Redevelopment Agency

ATTEST:

PAMELA J. POWELL
Executive Secretary

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON
Executive Director

WILLIAM BRAGG
Acting Agency Attorney

AGENDA SUMMARY**RE: TRANSIENT OCCUPANCY TAX LIEN****FOR AGENDA DATE: MARCH 1, 2011****AGENDA ITEM No.:**

9

RECOMMENDATION:

Adopt, waive reading, and read by title only Bill No. 834-CS an Ordinance of the City of Eureka Amending Chapter 35 of the Eureka Municipal Code to Authorize the use of Lien Procedures for the Collection of Delinquent Transient Occupancy Taxes.

SUMMARY:

The City's original Transient Occupancy Tax (TOT) Ordinance was enacted on January 30, 1965, and was most recently amended in November 2008. The attached ordinance would modify the existing TOT Ordinance to authorize the use of lien procedures for the collection of delinquent TOT and would clarify that the tax must be paid before filing for a refund or judicial relief.

FISCAL IMPACT:

None with the recommended action.

CITY MANAGER SIGNATURE:
David W. Tyson
City Manager**REVIEWED BY:**

City Attorney

DATE:

INITIALS:

Council Action:

Ordinance No. _____

Resolution No. _____

Bill No. 334 - CS

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF EUREKA
AMENDING THE EUREKA MUNICIPAL CODE TO AUTHORIZE
THE USE OF LIEN PROCEDURES FOR THE COLLECTION OF
DELINQUENT TRANSIENT OCCUPANCY TAXES AND TO CLARIFY THAT
A TAX MUST BE PAID BEFORE FILING FOR A REFUND OR JUDICIAL RELIEF**

TITLE III: ADMINISTRATION

CHAPTER 35: FINANCE, REVENUE AND TAXATION

The City Council of the City of Eureka does ordain as follows:

SECTION 1

"Title III: Administration," "Chapter 35. Finance, Revenue and Taxation," Section 35.082 of the Eureka Municipal Code is hereby amended to read as follows:

§ 35.082 ACTIONS TO COLLECT.

(A) *Actions to Collect.* Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Eureka for the recovery of such amount.

(B) *Recording Tax Lien.* If any amount required to be paid to the City under this chapter is not paid when due, the Finance Director may record in the Office of the Humboldt County Recorder a certificate which specifies the amount of tax, penalties and interest due, the name and address of the operator owing the tax and liable therefore as it appears on the tax assessment roll, and the fact that the Finance Director has complied with all provisions of this chapter in the determination of the tax, interest and penalties required to be paid. From the date of recording in the Office of the Humboldt County Recorder, the amount to be paid together with interest and penalties shall constitute a lien upon the real property in the County owned by the operator or acquired by the operator afterwards and before the lien expires. The lien shall have the force, effect and priority of a judgment lien and shall continue for ten (10) years from the time of recordation of the lien unless sooner released or otherwise discharged.

(C) *Assessment and Lien.* Whenever delinquent taxes and penalties are not paid to the City after proper notice, the total uncollected amount including tax, penalties and administrative fees may become assessments, and the City Clerk may compile a list of such assessments together with parcel number designations and addresses upon which the assessments are being fixed. After notice and hearing, and upon

confirmation of the imposition of the liens by resolution of the City Council, the City Clerk shall file a certified copy of the approved resolution with the Humboldt County Tax Collector, directing that all unpaid transient occupancy taxes, penalties and administrative fees be entered as lien charges against said property as it appears on the current assessment roll. Liens shall be collected at the same time and in the same manner, subject to the same penalties and interest upon delinquencies, as the general real property taxes are collected for the City. The City Clerk shall present for recording appropriate notices of the imposition of these liens with the Humboldt County Recorder.

(D) *No Lien Preference.* Nothing in this chapter shall give the City a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

(E) *Remedies Not Exclusive.* The remedies and penalties provided for in this chapter shall be cumulative and not exclusive, and shall not supersede or limit any and all other remedies that may be available. ('63 Code, § 8-5.13) (Ord. 30-C.S., passed 1-30-65; tax operative, passed 3-1-65; Am. Ord. 382-C.S., passed 5-17-83; Am. Ord. XXX-C.S., passed x/x/2011)

SECTION 2

"Title III: Administration," "Chapter 35. Finance, Revenue and Taxation," Section 35.083 of the Eureka Municipal Code is hereby deleted and added to read as follows:

§ 35.083 PAYMENT OF TAXES PRIOR TO REFUND OR JUDICIAL RELIEF.

No legal or equitable process shall be issued in any proceeding in any court against the City or any officer to prevent or enjoin the collection of any tax sought to be collected pursuant to this chapter, and payment of all tax, interest and penalties shall be required as a condition precedent to seeking judicial review of any tax liability. (Ord. XX-C.S., passed x/x/2011)

SECTION 3

"Title III: Administration," "Chapter 35. Finance, Revenue and Taxation," Section 35.084 of the Eureka Municipal Code is hereby added to read as follows:

§ 35.084 VIOLATIONS OF PROVISIONS.

Any operator or other person who fails or refuses to register as required, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Director of Finance, or who renders a false or fraudulent return or claim shall be guilty of a misdemeanor. Any person required to

make, render, sign, or verify any report or claim and who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by the provisions of this subchapter to be made shall be guilty of a misdemeanor.

('63 Code, § 8-5.14) (Ord. 30-C.S., passed 1-30-65; tax operative, passed 3-1-65; Am. Ord. 382-C.S., passed 5-17-83; Am. Ord. xxx-C.S. [re-numbering], passed x/x/2011)
Penalty, see § 35.999

SECTION 4

Severability. If any section, subsection, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

This Ordinance was passed and adopted at a regular meeting of the Eureka City Council on the ____ th day of March, 2011 as follows:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Lance Madsen, Mayor Pro Tem
[Charter Section 504 ...Every bill after it has finally passed the Council shall be signed by the Mayor Pro Tem and then presented forthwith to the Mayor.]

The above ordinance was presented to the Mayor on the ____ day of March, 2011, and hereby approved.

Frank Jager, Mayor

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

Bill Bragg, City Attorney

The above ordinance was attested by the City Clerk of the City of Eureka on the ____ day of March, 2011.

Pamela J. Powell, City Clerk

AGENDA SUMMARY**RE: MEDICAL CANNABIS SELECTION COMMITTEE
RECOMMENDATIONS****FOR AGENDA DATE: MARCH 1, 2011
AGENDA ITEM No.:**

//

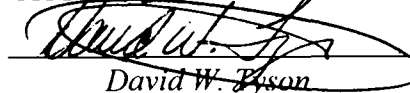
RECOMMENDATION:

1. Invite *Compassionate Care of Eureka* to submit an application for a Conditional Use Permit to establish a medical cannabis cultivation, production and distribution facility in city limits.
2. Invite *Humboldt Bay Wellness* to submit an application for a Conditional Use Permit to establish a medical cannabis distribution only facility in city limits.
3. Invite *Natural Green Health Center* to submit an application for a Conditional Use Permit to establish a medical cannabis cultivation, production and distribution facility in city limits.

SUMMARY:

On August 3, 2010 the City Council adopted Chapter 158, the Medical Cannabis Ordinance. The Medical Cannabis Ordinance specifies the requirements for cultivating, processing and dispensing medical cannabis within Eureka's city limits. Pursuant to the Ordinance, the establishment of a medical cannabis cultivation, processing and/or distribution facility within the city requires a Conditional Use Permit and only those collectives/cooperatives who are invited by the City Council may submit an application for a Conditional Use Permit.

In order to assist the City Council in determining which collectives/cooperatives to invite, the Council appointed a Medical Cannabis Selection Committee (MCSC) to make recommendations to the Council on which collectives/cooperatives who the MCSC believe will meet the expectations of the Council with regard to their qualifications, business experience, business plan, and ability to operate a clean and safe facility.

*Continued page 2***FISCAL IMPACT:** None with this action.**CITY MANAGER SIGNATURE:**


David W. Tyson
City Manager

REVIEWED BY:

Comm. Devel.

DATE:2-24-11**INITIALS:**SO**Council Action:**

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

The MCSC is comprised of five members:

- Jeff Leonard, Chairman
- Councilmember Linda Atkins
- Councilmember Marian Brady
- Chuck Edwards, business representative
- Paul Hagen, community representative

Sidnie L. Olson, Director of Community Development, and David Tyson, City Manager, provided staff support to the MCSC.

The MCSC prepared and issued a Request for Qualifications (RFQ) inviting submittal of a business plan and qualifications from persons, collectives or cooperatives interested in establishing a medical cannabis facility within the city of Eureka. The RFQ stated that the MCSC would submit to the City Council anywhere from zero (0) to six (6) names depending on the qualifications of the applicants and it advised that a Conditional Use Permit is a discretionary permit and an invitation to submit an application for a Conditional Use Permit in no way guarantees or implies approval of the Conditional Use Permit.

The Request for Qualifications also stated that the RFQ was:

“not a contract or commitment of any kind of the City of Eureka and does not commit the City to choosing any respondents, or pay any cost incurred preparing the submission. The City, at its sole discretion, reserves the right to accept or reject, in whole or in part, submittals received in response to this request, or to cancel in whole or in part this Request for Qualifications.”

The Medical Cannabis Ordinance limits the total number of Conditional Use Permits that can be granted to a maximum of six. Four of the Conditional Use Permits could allow a facility that cultivates and processes medical cannabis within the city, and then distributes that medical cannabis from a maximum of two locations within the city. Two of the Conditional Use Permits could allow a facility to distribute from one location medical cannabis not cultivated and processed within the city.

A total of 25 business plans and qualifications were submitted in response to the RFQ. The MCSC received 16 submittals from collectives/cooperative interested in cultivating, processing and distributing medical cannabis in the city, and 9 submittals from collectives/cooperatives interested in only distributing medical cannabis in the city. The MCSC reviewed the 25 submittals and then invited seven collectives/cooperatives for oral interviews. The MCSC's

recommendations contained herein are based upon their evaluation of the submittals and the oral interviews conducted on February 10, 2011.

The MCSC felt that all seven of the collectives/cooperatives interviewed on February 10, 2011, presented solid business plans and qualifications. However, the MCSC felt that three collectives/cooperatives stood out in their commitment to providing safe, secure and comfortable access to medicinal cannabis for those patients in Eureka who truly need it. These three collectives/cooperatives are dedicated to the research and advancement of cannabis solely and only for its therapeutic value, not its recreational value.

The Medical Cannabis Selection Committee recommends that the City Council invite the following three collectives/cooperatives to submit to the Community Development Department an application for a conditional use permit to establish a medical cannabis facility in the city of Eureka:

Compassionate Care of Eureka

Directors: Laura Benedict and Bill Byron.

Conditional Use Permit: cultivation, processing and distribution

Humboldt Bay Wellness

Directors: Kellie Dodds, Donna King, and Laurell Jewell.

Conditional Use Permit: distribution only.

Natural Green Health Center

Directors: Gerald Wilson, Russell Leverenz, Chris Van Hook, Robert Kennedy, and Brenda Cedarblade.

Conditional Use Permit: cultivation, processing and distribution